

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SUSQUENITA SCHOOL DISTRICT,	:	
Plaintiff,	:	
	:	
	:	Civil Action No. 1:10-cv-1897
v.	:	(Chief Judge Kane)
	:	
A.P., <u>et al,</u>	:	
Defendants	:	
	:	
	:	
G.W., <u>et al,</u>	:	
Plaintiffs,	:	
	:	
	:	Civil Action No. 1:10-cv-1900
v.	:	(Chief Judge Kane)
	:	
SUSQUENITA SCHOOL DISTRICT,	:	
Defendants	:	

MEMORANDUM ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On June 25, 2009, G.W. and his parents A.P. and R.P., defendants in Civil Action No. 10-cv-1897 and plaintiffs in Civil Action No. 10-cv-1900, requested a special education due process hearing alleging the Susquentia School District failed to provide G.W. with a free appropriate public education. On June 12, 2010, the administrative hearing officer granted G.W. partial relief. On September 10, 2010, Susquentia School District filed suit challenging that administrative determination, which was docketed with this Court at Doc. No. 10-cv-1897. On the same day, G.W. filed an action challenging that same decision, which was docketed with this Court at Doc. No. 10-cv-1900. On November 16, 2010, G.W. filed an unopposed motion to consolidate the above captioned actions and extend the time to answer in Doc. No. 10-cv-1900. Rule 42(a) of the Federal Rules of Civil Procedure gives this Court broad powers to

consolidate actions involving common questions of law or fact if such consolidation would facilitate the administration of justice. Ellerman Lines, Ltd. v. Atlantic & Gulf Stevedores, Inc., 339 F.2d 673, 675 (3d Cir. 1964), cert. denied, 382 U.S. 812 (1965). Common questions of fact need not predominate, the district court need only find that common questions exist and consolidation would be beneficial. Saudi Basic Indus. Corp. v. ExxonMobil Corp., 194 F. Supp. 2d 378, 416 (D.N.J. 2002). In the present action, all parties agree that consolidation will facilitate the efficient disposition of these matters. The parties are identical and the cases challenge the outcome of the same administrative hearing. To that end, the Court concludes that the standard for consolidation is easily met.

ACCORDINGLY, upon consideration of the motions to consolidate in Civil Action No. 10-cv-1897 (Doc. No. 5) and Civil Action No. 10-cv-1900 (Doc. No. 6), **IT IS HEREBY ORDERED** that these actions be consolidated. The clerk is directed to close Civil Action No. 10-cv-1900, and the parties are directed to file all further matters in this action at Civil Action No. 10-cv-1897. An initial scheduling order will issue.

S/ Yvette Kane
Yvette Kane, Chief Judge
United States District Court
Middle District of Pennsylvania